IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 56 OF 2004

1. Shri Raghav N. Loliyekar,
   of major age, Indian
   National, r/o H.No.298,
   Agas P.O. Loliem, Canacona,
   Goa,

2. Ms. Naashoma P. Carvalho,
   of major age, Indian
   National, r/o H. No.3,
   Binvaddo, Betalbatim,
   Salcete, Goa,

3. Shri Narayan V. Kamat Dalal,
   of major age, Indian
   National, r/o teerthrupa,
   H. No. 1-A/9, Ximer, Ansabhat,
   Mapusa, Goa, and

4. Shri Deval Naik, of major age,
   Indian National r/o H.No. 49,
   Parpat wada, Kunkalim Mardol,
   Ponda, Goa. ... Petitioners

Versus

1. State of Goa, through its
   Chief Secretary, having
   office at Secretariat,
   Panaji, Goa,

2. The Dean, Goa Medical
   College, Bambolim, Goa,

3. The Goa University, through
   its Registrar, having office
   at Taleigao Plateau,
   Bambolim, Goa, and

4. Medical Council of India,
   through its Secretary,
   Aiwan-E-Galib Marg, Kotla
   Road, Opp., Mata Sundari
   College (for women),
   New Delhi - 110002. ... Respondents.

Shri M. S. Sonak, advocate for the petitioners.

Shri A.N.S. Nadkarni, Advocate General with Ms. S. Sabnis, Additional Government advocate for respondent nos. 1 and 2.

Ms. A. A. Agni, advocate for respondent no.3.

CORAM : P. V. HARDAS &
D. G. KARNIK, JJ.

DATE : 24th March, 2004.

ORAL JUDGMENT (Per Hardas, J.)

After hearing learned counsel for sometime, Shri Sonak, learned counsel appearing on behalf of the petitioners, on instructions, seeks permission of this Court to withdraw the petition.

2. It may incidentally be stated that this petition was filed by the petitioners, who were in the batch of 30 students who were admitted for the M.B.B.S. Course on 11th October, 2002. Somewhere in August, 2002, the first batch of 70 students came to be admitted. The petitioners, who were in the batch of 30 students commenced their studies and appeared for the examination held on 12th September, 2003. The said examination held on 12th September, 2003, was in the nature of a supplementary examination for the 70 students who had been admitted in August, 2002. The main examination for the 70 students had been conducted somewhere in July, 2003 and the results thereof were declared somewhere on 12th August, 2003. From out of the 30 students, the petitioners in this petition were declared unsuccessful in the examination held on 12th September, 2003. Therefore, the petitioners filed the present petition praying therein for issuance of an appropriate writ, directing the respondents to hold supplementary examination for the petitioners who had failed in the examination held on

12th September, 2003.

3. This Court, by its interim Order dated 23rd February, 2004, while issuing Rule in this petition, directed respondent nos. 1 to 3 to hold a supplementary examination for the first year M.B.B.S. for the petitioners by 10th March, 2004. This Court further directed that the respondents shall keep the results of the petitioner in abeyance and the petition was directed to be listed on board for final hearing on 15th March, 2004.

4. Since the petitioners have appeared for the examination which was held in March, 2004, as per the directions of this Court, we direct the respondents to declare the results of the petitioner within one week from today.

5. Looking to the fact that the petitioners would be losing about six months because the petitioners, who have passed in the examination held on 10th March, 2004, would not be able to join the batch of the 26 students who had passed Ist M.B.B.S.Examination held on 12th September, 2003, and who are studying in IInd M.B.B.S., we permit the petitioners to make a representation to the respondents for their absorption in the appropriate batch and for appropriate relief. If such

a representation is made by the petitioners, the respondents shall decide the same in accordance with law.

6. The petition is, therefore, dismissed as withdrawn, with no order as to costs.

P. V. HARDAS, J.

D. G. KARNIK, J.

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